

# **Exhibit 1-13**

## **Conditionally Filed Under Partial Seal**

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Google, Inc. and Google Payment Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Alice Svenson, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

Google Inc. and Google Payment  
Corporation,

Defendants.

Case No. 5:13-cv-04080-BLF

CLASS ACTION

DEFENDANT GOOGLE INC.'S THIRD  
AMENDED SUPPLEMENTAL ANSWERS  
TO PLAINTIFF'S INTERROGATORIES,  
SET ONE

CONTAINS INFORMATION DESIGNATED  
"CONFIDENTIAL" PURSUANT TO THE  
PARTIES' PROTECTIVE ORDER ENTERED  
AUGUST 6, 2014

11. Each of these general objections is hereby specifically incorporated into each of the specific answers set forth below.

**GOOGLE’S RESPONSES AND OBJECTIONS  
TO PLAINTIFF’S FIRST SET OF INTERROGATORIES**

**INTERROGATORY NO. 1:**

Identify and describe, in detail, what types of BUYERS’ Sensitive Identifiable Data (“SID”), including without limitation credit or charge card information (credit or charge card number or portion thereof, expiration date, security code), any billing information (first and last name and street address), phone number, and/or email address, and/or other BUYER information, that you PROVIDE to VENDORS and when, including any purposes, reasons, or other explanations for providing SID to VENDORS.

**ANSWER:**

This Interrogatory is compound and, coupled with Plaintiff’s many other compound interrogatories, far exceeds the limit on interrogatories imposed by the Federal Rules of Civil Procedure. Google objects to this Interrogatory on that basis. In addition, this Interrogatory seeks information that is subject to a highly individualized inquiry regarding each purchase of an App on Google Play using Google Wallet. It is impossible to provide a general answer applicable to all purchases of Apps, and Google objects to this Interrogatory on that basis. Google also incorporates its general objections, above, particularly with regard to the definitions of the terms “SID,” “Identify,” “BUYERS,” and “VENDORS,” as well as the time period at issue. Google further objects to this Interrogatory as unreasonably broad and unduly burdensome.

Notwithstanding and without waiving these objections, Google answers as follows:

Google and GPC may share a Buyer’s Contact Information as set forth in the applicable privacy policies, including the Google Privacy Policy and the Wallet Privacy Notice. Copies of the privacy policies and privacy notice applicable during the Class Period have been produced, and Defendants direct Plaintiff to those policies pursuant to Rule 33(d) in answer to this Interrogatory. Defendants complied with the applicable policies throughout the Class Period.

**Information provided by a Buyer**

The information that a Buyer provides to Google or GPC is a highly individualized question, and may vary depending upon the choices made by the Buyer. For example, as of the date of these responses, a person creates a Google account by creating a Gmail address (which also serves as the person's user name), designating a password, and supplying a name (which need not be the person's actual name), day and year of birth, mobile phone number and current email address. A person also may choose to provide his or her month of birth and gender. A person may or may not provide additional information to Google in connection with creating a Google profile, including, for example, the person's street address.

A person cannot use Google Wallet unless he or she has a Google account. When registering to use Google Wallet, a person located in the U.S. provides his or her name, country and zip code to GPC. The person also may provide her credit card number, expiration date, and security code (the security code is not permanently stored). Once the person decides to purchase an App via Play using Wallet (and become a Buyer), additional information might be required or supplied in connection with the purchase, depending on the nature of the purchase. For example, a Buyer who had not provided credit card or other payment information at registration would do so at purchase. As another example, a Buyer purchasing physical goods provides his or her city and/or state of residence and their street address for shipping purposes. In addition, if a Buyer purchases goods (even if only digital goods) over \$300, the Buyer provides her city and state of residence, as well as country and zip code.

No separate registration beyond creation of a Google account is required for Google Play.

Current representative screenshots of the steps one takes to create a Google account and to register for Google Wallet ("registration flows") will be produced. Google directs Plaintiff to those documents pursuant to 33(d) in further answer to this Interrogatory.

**Circumstances of disclosing Buyer Contact Information to Seller**

The circumstances under which GPC or Google might share any particular item of Contact Information that a Buyer provided are highly individualized. They will depend first on

1 what information a particular Buyer supplied, which varies as discussed above. Additional  
2 variables that will affect whether any item of Contact Information that a buyer provided is shared,  
3 when, and under what circumstances include the following:

- 4 1. Whether the Buyer consented to the disclosure. For example, some Buyers might  
5 choose to make any or all of their Contact Information publicly available on their  
6 Google Profiles. Buyers also might disclose their name or other information to the  
7 Seller (or publicly) in connection with their review of a product they purchased; if the  
8 Seller's App requires a secondary login the Seller controls, which may require the  
9 Buyer to enter buyer information; when contacting the Seller for customer service  
10 purposes; for in-App purchases, which some Apps allow; in connection with  
11 subscription services; or through other means.
- 12 2. If Google or GPC has a good-faith belief that access, use, preservation or disclosure of  
13 the information is reasonably necessary to meet any applicable law, regulation, legal  
14 process or enforceable governmental request. This would include, for example,  
15 Google's good-faith belief that disclosure or access to certain information is necessary  
16 to comply with tax regulations. The Seller is responsible for paying appropriate tax on  
17 sales of products. A Seller's tax obligation typically will vary depending upon the  
18 Buyer's location (city, state, country of residence). Accordingly, these items of  
19 Contact Information might be reasonably necessary to Sellers to verify a Seller's tax  
20 obligations.
- 21 3. If Google or GPC has a good-faith belief that access, use, preservation or disclosure of  
22 the information is reasonably necessary to detect, prevent, or otherwise address fraud,  
23 security or technical issues. During the Class Period, fraud and security issues may  
24 include, for example, the need for Sellers to ensure proper refunds or payment  
25 adjustments, for which the Seller is responsible under the Seller Terms of Service,  
26 which might require any item of a Buyer's Contact Information.

4. For purchases using Google Wallet, items of Contact Information might be shared as necessary to process a Buyer's transaction and maintain his or her account, including to process refunds, provide product updates, and address issues if an App does not work properly or requires an update.

5. For purchases using Google Wallet, items of Contact Information also might be shared to complete a person's registration for a service provided by a third party.

### How a Buyer's Contact Information may be displayed to a Seller

How a Buyer's Contact Information may be displayed (and what specific items are displayed) by Google or GPC to a Seller is highly individualized and varies with the date of and circumstances surrounding a particular transaction. Certain Buyer Contact Information has been displayed to Sellers via both Play and Wallet (and their predecessors) in different ways.

As to Wallet, certain items of Buyer Contact Information (described in more detail below) are and historically have been available for review by a Seller in two ways. First, certain Buyer Contact Information might be available via a secure user interface associated with Google Wallet (and its predecessor, Google Checkout), which the Seller might access only after logging in. For the vast majority of Sellers, that user interface is currently referred to as the “Wallet Merchant Center” or “MC 3.0.” Its predecessor was referred to as the “Checkout Merchant Center.” While logged in to the Wallet Merchant Center or Checkout Merchant Center, a Seller could request essentially the same items of Buyer Contact Information as were available in the user interface through a query for an order export report.

Second, previously, Sellers located in the United States and the United Kingdom who signed up for a Google Checkout account, and who also obtained a Merchant Key from Google, might have access to certain items of Buyer Contact Information through the Checkout API, which allowed merchants to directly access similar buyer Contact Information. The Checkout API was retired on November 20, 2013, and a comparable product no longer exists.

*The following sentence is designated CONFIDENTIAL pursuant to the parties' Protective Order:* [REDACTED]

1 In further response to this Interrogatory, Google has produced the following documents,  
2 and directs Plaintiff to those documents pursuant to Rule 33(d): GOOG-00001392 and GOOG-  
3 00001394 are screenshots of Plaintiff's App purchase from YCDroid, viewed through the  
4 Checkout Merchant Center. GOOG-00001089 and GOOG-00001093 (produced on October 14,  
5 2014) are screenshots of Plaintiff's App purchase from YCDroid, viewed through the Wallet  
6 Merchant Center on or about June 3, 2014. GOOG-00001395, GOOG-00001396, and GOOG-  
7 00001397 are screenshots of Plaintiff's App purchase from YCDroid, viewed through the Wallet  
8 Merchant Center on or about October 14, 2014.

9 A particular Seller might not ever actually access the Wallet Merchant Center or the Play  
10 Developer Console to access or review any Buyer Contact Information available through those  
11 services. Further, even if a Seller did log in to the services, it might not query for an order export  
12 report in the Wallet Merchant Center or sales report or payout report in the Play Development  
13 Console, or review the Buyer Contact Information for any particular Buyer or transaction. A  
14 Seller could view Buyer Contact Information only for those Buyers to whom the Seller had sold  
15 an App.

16 *The remaining answer to this Interrogatory is designated CONFIDENTIAL pursuant to*  
17 *the parties' Protective Order:*

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23 **INTERROGATORY NO. 2:**

24 Identify and describe, in detail, what SID you PROVIDE to VENDORS to process  
25 BUYER transactions and maintain BUYER accounts, complete registration for third-party  
26 services, for external processing, to domain administrators, with the BUYER's consent, and/or for  
27 legal reasons, respectively, including any categories of VENDORS who are PROVIDED such  
28

1 incorporates by reference GPC's response to Plaintiff's Interrogatories, Set One, Interrogatory  
2 No. 16.

3  
4 Dated: February 4, 2016

**PERKINS COIE LLP**

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